

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/768,439	HIGAKI ET AL.	
	Examiner Hashem Farrokh	Art Unit 2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 1/12/06.
2.  The allowed claim(s) is/are 2-5 and 8-13.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

***EXAMINER'S AMENMENT***

*The Examiner initiated a telephone interview with the Applicants' representative (Ms. Jennifer Teng) on 1/30/06. The examiner informed the Applicants that the limitation in claim 2 contains allowable subject matter. In addition, the Examiner informed the expression "...the first storage area..." in claim 2 lacks the antecedent basis. The Examiner inquired whether the Applicant would be willing to amend claim 2 to correct the antecedent related problem and amend claims 3 and 4 to include the indicated allowable subject matters. The Applicant agreed to the above proposal and authorized the Examiner to implement the proposal by an examiner amendment. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.*

*Please amend the claims as follow:*

***Claim 2:***

*Line 17, replace: ", and" with --,--*

*Line 22, replace: "the first" with --a first--*

***Claim 4:***

*Line 17, replace: ", and" with --,--*

*Line 20, remove: "and"*

*Line 22, replace: "request." With --request, and--*

*Line 23 (new line), add: --wherein the first storage control device provides a second storage area controlled by the second storage control device to the host device virtually as a first storage area under control of its own, and the first request requests the data processing relating to the first storage area.--*

***Claim 5:***

*Line 17, replace: ", and" with --,--*

*Line 20, remove: "and"*

*Line 22, replace: "device." With --device, and--*

*Line 25 (new line), add: --wherein the first storage control device provides a second storage area controlled by the second storage control device to the host device virtually as a first storage area under control of its own, and the first request requests the data processing relating to the first storage area.--*

***REASONS FOR ALLOWANCE***

*The following are the Examiner's statements of reasons for allowance: The prior art does not teach or suggest the combination and relationship between these features:*

1. *The primary reason for allowance of claims 2-5 and 8-13 in instant application is the combination with the inclusion in these claims having wherein the first storage control device provides a second storage area controlled by the second storage control device to the host device virtually as a first storage area under control of*

its own, and the first request requests the data processing relating to the first storage area.

### **Conclusion**

*Any inquiry concerning this communication should be directed to Hashem Farrokh whose telephone number is (571) 272-4193. The examiner can normally be reached Monday-Friday from 8:00 AM to 5:00 PM.*

*If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald A Sparks, can be reached on (571) 272-4201.*

*Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBS) at 866-217-9197 (toll-free).*

HF

2006-01-31



DONALD SPARKS  
SUPERVISORY PATENT EXAMINER